

SUPREME COURT OF WISCONSIN
OFFICE OF LAWYER REGULATION

Public Reprimand With Consent

2022-OLR-6

Walter W. Stern, III,
Attorney at Law

Attorney Walter W. Stern, III, (Stern) is a Wisconsin-licensed attorney, admitted to the practice of law on May 20, 1974.

In 2019, Stern filed a complaint in the United States District Court for the Eastern District of Wisconsin on behalf of a client (Client) against Client's former employer (Employer). Stern attached to the Complaint an unsealed confidential agreement that, by its terms, was to remain confidential. Stern did not file a motion to seal the confidential agreement which made it available for public review.

Approximately 12 days after Stern had filed the Complaint, Stern and counsel for Employer filed a joint stipulation to seal the confidential agreement. The next day, the court entered the order sealing the confidential agreement. In the approximately two weeks that the confidential agreement remained unsealed, members of the public accessed the agreement.

Counsel for Employer filed a motion for sanctions against Stern for filing the unsealed confidential agreement as an exhibit to the Complaint. Employer sought its attorneys' fees related to obtaining the order to seal the exhibit and related to preparing and filing the motion for sanctions.

The court entered an order finding that Stern's conduct in filing the unsealed confidential agreement as an exhibit to the Complaint was unjustifiable based on the unambiguous

confidentiality clause and that it was done in bad faith. The judge ordered Stern to pay \$2,256 in sanctions and \$1,500 for Employer's counsel's attorneys' fees for preparing and filing the motion for sanctions. Stern timely paid \$3,756 to Employer's counsel.

By filing a confidential agreement as an unsealed exhibit to a complaint filed in the United States District Court for the Eastern District of Wisconsin, Stern violated SCR 20:1.3¹.

Stern has prior discipline. Stern received private reprimands in 1988 for communicating on the subject of the representation with a party he knew to be represented by a lawyer without the consent of that lawyer; 1993 for failing to pay a third-party lien from settlement proceeds after receiving notice of the lien; and 2008 for committing criminal acts that reflected adversely on his honesty, trustworthiness, or fitness as a lawyer. In 1992 Stern was publicly reprimanded. *Public Reprimand of Walter W. Stern, III, 1992-11*. In 2013, the Supreme Court of Wisconsin suspended Stern's license to practice law for two years. *Disciplinary Proceedings Against Stern, 2013 WI 46*. In 2021, the Supreme Court suspended Stern's license for 60 days. *Disciplinary Proceedings Against Stern, 2021 WI 84*.

In accordance with SCR 22.09(3), Attorney Walter W. Stern, III, is hereby publicly reprimanded.

Dated this 23rd day of October, 2022.

SUPREME COURT OF WISCONSIN

/s/

James D. Friedman, Referee

¹ SCR 20:1.3 provides: "A lawyer shall act with reasonable diligence and promptness in representing a client."